

Before The
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JUN - 7 1995

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

DOCKET FILE COPY ORIGINAL

Deferral of Licensing of MTA
Commercial Broadband PCS

GN Docket No. 93-253
ET Docket No. 92-100

American Portable Telecommunications Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 12, Atlanta, Freq. Block B
Mkt. 13, Tampa-St. Petersburg-Orlando, Freq. Block A
Mkt. 14, Houston, Freq. Block A
Mkt. 21, Pittsburgh, Freq. Block B
Mkt. 34, Kansas City, Freq. Block B
Mkt. 38, Columbus, Freq. Block B
Mkt. 49, Alaska, Freq. Block A
Mkt. 50, Guam-N. Mariana Islands, Freq. Block B

File No. 00021-CW-L-95
File No. 00022-CW-L-95
File No. 00024-CW-L-95
File No. 00039-CW-L-95
File No. 00065-CW-L-95
File No. 00073-CW-L-95
File No. 00094-CW-L-95
File No. 00097-CW-L-95

Ameritech Wireless Communications, Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 16, Cleveland, Freq. Block A
Mkt. 31, Indianapolis, Freq. Block B

File No. 00028-CW-L-95
File No. 00059-CW-L-95

AT&T Wireless Communications, Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 03, Chicago, Freq. Block A
Mkt. 05, Detroit, Freq. Block A
Mkt. 06, Charlotte-Greensboro-Greenville-Raleigh,
Freq. Block A
Mkt. 08, Boston-Providence, Freq. Block A
Mkt. 09, Philadelphia, Freq. Block A
Mkt. 10, Washington-Baltimore, Freq. Block B
Mkt. 11, Atlanta, Freq. Block A
Mkt. 16, Cleveland, Freq. Block B
Mkt. 18, Cincinnati-Dayton, Freq. Block A
Mkt. 19, St. Louis, Freq. Block A
Mkt. 23, Richmond-Norfolk, Freq. Block A
Mkt. 25, Puerto Rico-U.S. Virgin Islands, Freq. Block A
Mkt. 26, Louisville-Lexington-Evansville, Freq. Block A
Mkt. 27, Phoenix, Freq. Block A

File No. 00003-CW-L-95
File No. 00007-CW-L-95

File No. 00009-CW-L-95
File No. 00013-CW-L-95
File No. 00015-CW-L-95
File No. 00017-CW-L-95
File No. 00018-CW-L-95
File No. 00029-CW-L-95
File No. 00032-CW-L-95
File No. 00034-CW-L-95
File No. 00042-CW-L-95
File No. 00046-CW-L-95
File No. 00048-CW-L-95
File No. 00050-CW-L-95

Mkt. 35, Buffalo-Rochester, Freq. Block B	File No. 00067-CW-L-95
Mkt. 38, Columbus, Freq. Block A	File No. 00072-CW-L-95
Mkt. 39, El Paso-Albuquerque, Freq. Block B	File No. 00075-CW-L-95
Mkt. 43, Nashville, Freq. Block B	File No. 00083-CW-L-95
Mkt. 44, Knoxville, Freq. Block A	File No. 00084-CW-L-95
Mkt. 45, Omaha, Freq. Block A	File No. 00086-CW-L-95
Mkt. 46, Wichita, Freq. Block A	File No. 00088-CW-L-95

BellSouth Personal Communications, Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 06, Charlotte-Greensboro-Greenville-Raleigh, Freq. Block B	File No. 00010-CW-L-95
Mkt. 44, Knoxville, Freq. Block B	File No. 00085-CW-L-95

Centennial Cellular Corporation,

Applicant for a PCS License in the following Market:

Mkt. 25, Puerto Rico-U.S. Virgin Islands, Freq. Block B	File No. 00047-CW-L-95
---	------------------------

Communications International Corporation,

Applicant for a PCS License in the following Market:

Mkt. 51, American Samoa, Freq. Block B	File No. 00099-CW-L-95
--	------------------------

Cox Cable Communications, Inc.,

Applicant for a PCS License in the following Market:

Mkt. 45, Omaha, Freq. Block B	File No. 00087-CW-L-95
-------------------------------	------------------------

GCI Communications Corporation,

Applicant for a PCS License in the following Market:

Mkt. 49, Alaska, Freq. Block B	File No. 00095-CW-L-95
--------------------------------	------------------------

GTE Macro Communications Corporation,

Applicant for PCS Licenses in the following Markets:

Mkt. 11, Atlanta, Freq. Block B	File No. 00019-CW-L-95
Mkt. 18, Cincinnati-Dayton, Freq. Block B	File No. 00033-CW-L-95
Mkt. 22, Denver, Freq. Block B	File No. 00041-CW-L-95
Mkt. 24, Seattle, Freq. Block A	File No. 00044-CW-L-95

Pacific Telesis Mobile Services,

Applicant for PCS Licenses in the following Markets:

Mkt. 02, Los Angeles-San Diego, Freq. Block B	File No. 00002-CW-L-95
Mkt. 04, San Francisco-Oakland-San Jose, Freq. Block B	File No. 00006-CW-L-95

PCS PRIMECO, L.P.,

Applicant for PCS Licenses in the following Markets:

Mkt. 03, Chicago, Freq. Block B	File No. 00004-CW-L-95
Mkt. 07, Dallas-Fort Worth, Freq. Block A	File No. 00011-CW-L-95
Mkt. 13, Tampa-St. Petersburg-Orlando, Freq. Block B	File No. 00023-CW-L-95
Mkt. 14, Houston, Freq. Block B	File No. 00025-CW-L-95
Mkt. 15, Miami-Ft. Lauderdale, Freq. Block B	File No. 00027-CW-L-95
Mkt. 17, New Orleans-Baton Rouge, Freq. Block B	File No. 00031-CW-L-95
Mkt. 20, Milwaukee, Freq. Block B	File No. 00037-CW-L-95
Mkt. 23, Richmond-Norfolk, Freq. Block B	File No. 00043-CW-L-95
Mkt. 33, San Antonio, Freq. Block B	File No. 00063-CW-L-95
Mkt. 37, Jacksonville, Freq. Block B	File No. 00071-CW-L-95
Mkt. 47, Honolulu, Freq. Block B	File No. 00091-CW-L-95

PhillieCo, L.P.,

Applicant for a PCS License in the following Market:

Mkt. 09, Philadelphia, Freq. Block B	File No. 00016-CW-L-95
--------------------------------------	------------------------

Poka Lambro Telephone Cooperative, Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 42, Spokane-Billings, Freq. Block A	File No. 00080-CW-L-95
Mkt. 50, Guam-N. Mariana Islands, Freq. Block A	File No. 00098-CW-L-95

Powertel PCS Partners, L.P.,

Applicant for PCS Licenses in the following Markets:

Mkt. 28, Memphis-Jackson, Freq. Block A	File No. 00052-CW-L-95
Mkt. 29, Birmingham, Freq. Block B	File No. 00055-CW-L-95
Mkt. 37, Jacksonville, Freq. Block A	File No. 00070-CW-L-95

South Seas Satellite Communications Corporation,

Applicant for a PCS License in the following Market:

Mkt. 51, American Samoa, Freq. Block A	File No. 00098-CW-L-95
--	------------------------

Southwestern Bell Mobile Systems, Inc.,

Applicant for PCS Licenses in the following Markets:

Mkt. 28, Memphis-Jackson, Freq. Block B	File No. 00053-CW-L-95
Mkt. 40, Little Rock, Freq. Block A	File No. 00076-CW-L-95
Mkt. 48, Tulsa, Freq. Block A	File No. 00092-CW-L-95

Western PCS Corporation,

Applicant for PCS Licenses in the following Markets:

Mkt. 30, Portland, Freq. Block A	File No. 00056-CW-L-95
Mkt. 32, Des Moines-Quad Cities, Freq. Block A	File No. 00060-CW-L-95
Mkt. 36, Salt Lake City, Freq. Block A	File No. 00068-CW-L-95
Mkt. 39, El Paso-Albuquerque, Freq. Block A	File No. 00074-CW-L-95

Mkt. 41, Oklahoma City, Freq. Block A
Mkt. 47, Honolulu, Freq. Block A

File No. 00078-CW-L-95
File No. 00090-CW-L-95

WirelessCo, L.P.,

Applicant for PCS Licenses in the following Markets:

Mkt. 01, New York, Freq. Block B
Mkt. 04, San Francisco-Oakland-San Jose, Freq. Block B
Mkt. 05, Detroit, Freq. Block B
Mkt. 07, Dallas-Fort Worth, Freq. Block B
Mkt. 08, Boston-Providence, Freq. Block B
Mkt. 12, Atlanta, Freq. Block A
Mkt. 15, Miami-Ft. Lauderdale, Freq. Block A
Mkt. 17, New Orleans-Baton Rouge, Freq. Block A
Mkt. 19, St. Louis, Freq. Block B
Mkt. 20, Milwaukee, Freq. Block A
Mkt. 21, Pittsburgh, Freq. Block A
Mkt. 22, Denver, Freq. Block A
Mkt. 24, Seattle, Freq. Block B
Mkt. 26, Louisville-Lexington-Evansville, Freq. Block A
Mkt. 27, Phoenix, Freq. Block B
Mkt. 29, Birmingham, Freq. Block A
Mkt. 30, Portland, Freq. Block B
Mkt. 31, Indianapolis, Freq. Block A
Mkt. 32, Des Moines-Quad Cities, Freq. Block B
Mkt. 33, San Antonio, Freq. Block A
Mkt. 34, Kansas City, Freq. Block A
Mkt. 35, Buffalo-Rochester, Freq. Block A
Mkt. 36, Salt Lake City, Freq. Block B
Mkt. 40, Little Rock, Freq. Block B
Mkt. 41, Oklahoma City, Freq. Block B
Mkt. 42, Spokane-Billings, Freq. Block B
Mkt. 43, Nashville, Freq. Block A
Mkt. 46, Wichita, Freq. Block B
Mkt. 48, Tulsa, Freq. Block B

File No. 00001-CW-L-95
File No. 00005-CW-L-95
File No. 00008-CW-L-95
File No. 00012-CW-L-95
File No. 00014-CW-L-95
File No. 00020-CW-L-95
File No. 00026-CW-L-95
File No. 00030-CW-L-95
File No. 00035-CW-L-95
File No. 00036-CW-L-95
File No. 00038-CW-L-95
File No. 00040-CW-L-95
File No. 00044-CW-L-95
File No. 00047-CW-L-95
File No. 00051-CW-L-95
File No. 00054-CW-L-95
File No. 00057-CW-L-95
File No. 00058-CW-L-95
File No. 00061-CW-L-95
File No. 00062-CW-L-95
File No. 00064-CW-L-95
File No. 00066-CW-L-95
File No. 00069-CW-L-95
File No. 00077-CW-L-95
File No. 00079-CW-L-95
File No. 00081-CW-L-95
File No. 00082-CW-L-95
File No. 00089-CW-L-95
File No. 00093-CW-L-95

**CONSOLIDATED REPLY TO OPPOSITIONS TO
PETITION TO DENY AND REQUEST FOR STAY AND
APPLICATION FOR REVIEW AND REQUEST FOR STAY**

**National Association of Black
Owned Broadcasters**

James L. Winston
Rubin, Winston, Diercks,
Harris & Cooke
1333 New Hampshire Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 861-0870

Percy E. Sutton, Individually

Lois E. Wright, Esq.
Vice President and Corporate
Counsel
Inner City Broadcasting
Corporation
Three Park Avenue, 40th Floor
New York, NY 10014
(212)592-0408

**National Association for the
Advancement of Colored People**

Wade J. Henderson
Director
Washington Bureau
National Association for the
Advancement of Colored People
1025 Vermont Avenue, N.W.
Suite 1120
Washington, D.C. 20005
(202) 638-2269

June 7, 1995

**CONSOLIDATED REPLY TO OPPOSITIONS TO
PETITION TO DENY AND REQUEST FOR STAY AND
APPLICATION FOR REVIEW AND REQUEST FOR STAY**

On May 12, 1995, The National Association of Black Owned Broadcasters, Inc. ("NABOB"), Percy E. Sutton, individually ("Sutton"), and the National Association for the Advancement of Colored People ("NAACP") (jointly referred to herein as "the Minority Petitioners") filed a petition to deny and request for stay of the above-captioned applications of the eighteen winners of the Commission's auction of 99 broadband PCS licenses for the A and B block MTA frequencies (the "Petition to Deny"), and filed an application for review and request for stay of the Commission's decision in Deferral of Licensing of MTA Commercial Broadband PCS, GN Docket No. 93-253, ET Docket No. 92-100, released April 12, 1995 (the "Application for Review")

The Petition to Deny and the Application for Review demonstrated that the Commission has failed to comply with its statutory obligations with respect to the conduct of the A and B block broadband PCS auctions and must stay the licensing of the A and B frequencies in order to comply with its statutory obligations. The Petition to Deny and the Application for Review also demonstrated that circumstantial evidence exists which indicates that there may have been restraints of trade in the A and B auctions by the auction winners.

The Petition to Deny and the Application for Review requested that the Commission take two actions. First they requested the Commission to stay the licensing of the A and B block frequencies until the Commission is ready to license the C block frequencies. Second, they requested the Commission to conduct an investigation of the conduct of the A and B block winners to determine whether any improper allocation of frequencies was engaged in by the winning bidders.

As expected, the winners of the A and B block auctions have filed a torrent of paper opposing the Petition to Deny and the Application for Review. Also as expected, these oppositions are long on rhetoric and short on substance.

As will be demonstrated below, these oppositions, whether taken individually or collectively, simply fail to address the very serious issues raised by the Petition to Deny and the Application for Review and also fail to demonstrate that the Petition to Deny and Application for Review should be denied. Therefore, the Commission should grant the relief requested by the Petition to Deny and Application for Review and stay the issuance of the A and B block licenses and conduct an investigation of the conduct of the A and B block auction winners to determine whether the winners engaged in improper allocation of frequencies.

The Petition to Deny and Application for Review demonstrated that the Commission should grant the requested stay, citing the four part test enunciated by the United States Court of Appeals for the District of Columbia Circuit in Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977).¹ The oppositions to the Petition to Deny and Application for Review concede that the four part test in Holiday Tours is applicable to the Petition to Deny and Application for Review, but then proceed to misapply it.

The oppositions take the position that, under the four part test in Holiday Tours, each part of the test has equal weight, that the Minority Petitioners must demonstrate that each part of the test has been met to the same degree and that the Minority Petitioners must demonstrate that they are

¹ The four part test is 1) have the Minority Petitioners made a strong showing that they are likely to prevail on the merits? 2) Have the Minority Petitioners shown that without a stay they will be irreparably injured? 3) Would the issuance of a stay substantially harm other parties interested in the proceedings? 4) Where lies the public interest?

likely to prevail on the merits, i.e., have greater than a fifty percent chance of prevailing. Nothing could be further from the truth.

The D. C. Circuit has made it clear that, where the movant demonstrates that the balance of hardships tips decidedly in favor of the movant (i.e., the movant will suffer serious irreparable injury while the non-movants will not suffer equal or greater hardship) and the public interest will be served by the issuance of a stay, the movant does not have to also demonstrate a probability of success on the merits. Instead, all that the movant must show in such circumstances is that the movant has made a substantial case on the merits. Holiday Tours, 559 F.2d at 883.

The D.C. Circuit has summarized this holding as follows:

To justify a temporary injunction it is not necessary that the plaintiff's right to a final decision after a trial, be absolutely certain, wholly without doubt; if other elements are present (i.e., the balance of hardships tips decidedly toward plaintiff), it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.

Id. at 884 (quoting, Hamilton Watch Co. v. Benrus Watch Co., 206 F.2d 738, 740 (1953) (emphasis added)).

The Minority Petitioners have demonstrated that they will suffer irreparable injury if the stay is not granted. While the oppositions claim that this injury is "speculative," it is clear that, without a stay, the C block bidders will experience a loss of access to capital, a loss of base station cell sites, a loss of distributors and retailers and a loss of market share. And the A and B block winners will surely gain a competitive advantage if the C block bidders experience these losses. See Petition to Deny at 16 to 18, Application for Review at 16-18.

The simple fact is that these losses, if they are allowed to occur, will be devastating to the

C block bidders. Indeed, these losses easily could have catastrophic effects on the C block bidders' ability to start up and become competitive.

In contrast, the A and B block winners have not been able to identify any similar devastating effects on them if a stay is granted. At most, the opponents identify the time value of their auction payments to date. However, those payments constitute only 20% of the total auction payments; the other 80% would not become due until after the FCC grants licenses to the A and B block winners. While an irritant, this burden will not prevent any A or B block winner from competing in the marketplace or threaten the viability of any A or B block winner.

When viewed in this context, the balance of the hardships tips decidedly in favor of the Minority Petitioners. On the one hand the Minority Petitioners face severe and irreparable -- indeed devastating -- injury if a stay is not granted, while on the other hand the A and B block winners face a relatively minor inconvenience and expense if a stay is granted.

A stay will also serve the public interest. The opponents assert that a stay will frustrate the Congressional policy of encouraging an early start of PCS service. In enacting the Section 309(j) of the Communications Act, 47 U.S.C. Section 309(j), Congress did indeed direct the Commission to develop a bidding system that would promote the objective of development of new technologies, products and services without administrative or judicial delays. However, Congress also directed the Commission to develop a bidding system with the objective of:

promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses to a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.

47 U.S.C. Section 309(j)(1)(b) (emphasis added).

Congress also instructed that the Commission, in prescribing bidding regulations, shall promote the “economic opportunity for a wide variety of applicants, including small businesses, rural telephone companies and businesses owned by members of minority groups and women.” 47 U.S.C. Section 309(j)(2)(a) (emphasis added).

Unless the requested stay is granted, this express Congressional mandate to promote the economic opportunity of a wide variety of applicants, including businesses owned by members of minority groups, by disseminating licenses among a wide variety of applicants, including businesses owned by members of minority groups, will be wholly thwarted. If the stay is granted, however, the other stated Congressional policy of speeding the deployment of new technologies, products and services will not be seriously impacted.

The foregoing establishes that the balance of the hardships tips decidedly in favor of the Minority Petitioners. In addition, the public interest favors the granting of the stay. The only remaining part of the four part test is likelihood of success on the merits.

As demonstrated above, once it is determined that the balance of the hardships tips decidedly in favor of the Minority Petitioners, they need not show with mathematical precision a probability that they will succeed on the merits. It is enough that they show that they have “. . . raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.” Holiday Tours, 559 F.2d at 884. That they clearly have done.

The Minority Petitioners have shown that Congress has established a policy requiring the Commission to promote the economic opportunity of a wide variety of applicants, including businesses owned by members of minority groups, by disseminating licenses among a wide variety

of applicants, including businesses owned by members of minority groups. 47 U.S.C. Section 309(j). The A and B block winners do not seriously contest this fact.

The Minority Petitioners also have shown that the bidding results of the A and B block auctions have the classic characteristics of a “territorial allocation,” an unfair business practice under the antitrust laws. Petition to Deny at 12 to 14, Application for Review at 11-15. The A and B block winners complain that the Minority Petitioners do not have a “smoking gun” to back up the conclusion that there in fact was any agreement to allocate territories. According to the A and B block winners, circumstantial evidence strongly suggesting territorial allocations is not enough for the Commission to act favorably on the Petition to Deny and Application for Review.

This argument by the A and B block winners overlooks the obvious fact that, without compulsory process, it would be almost impossible to uncover a “smoking gun” showing the existence of territorial allocation. Those violating the antitrust laws rarely, if ever, voluntarily and publicly admit such misconduct. At this stage, all that can be expected is circumstantial evidence of misconduct, like that presented in the Petition to Deny and Application for Review. In addition, the D. C. Circuit has specifically held that an agreement in violation of the antitrust laws can be proven solely with circumstantial evidence. Kreuzer v. American Academy of Periodontology, 735 F.2d 1429 (D.C. Cir. 1984). Thus, circumstantial evidence like that presented by the Minority Petitioners is not only enough to support a petition to deny, it is enough to support a jury verdict finding a conspiracy which violates the antitrust laws. Id.

At a minimum, the Minority Petitioners have shown that there is a serious, substantial and difficult question as to whether the Commission’s decision to conduct the A and B block auctions first, taken together with the delays in the start of the C block auction, will have the effect of totally

frustrating this Congressional policy of promoting economic opportunity for the members of minority groups. Also, there is strong circumstantial evidence that raises a substantial question of whether there was anticompetitive conduct by A and B block auction winners. At a minimum, these questions are sufficiently serious, substantial, difficult and doubtful as to make them fair ground for litigation, and thus for more deliberative investigation. Holiday Tours, 559 F.2d at 844.

The Minority Petitioners have demonstrated that, under the four part Holiday Tours test, the Commission should grant their motion for a stay. Therefore, the Commission should grant the Minority Petitioners' motion for a stay of the issuance of licenses to the A and B block auction winners.

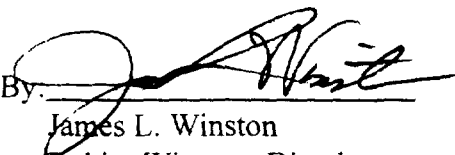
In addition, the Minority Petitioners have demonstrated that there is sufficient circumstantial evidence of anticompetitive conduct by the winners of A and B block auctions that the Commission should conduct an investigation of the auction conduct of the winners. The Commission then should deny the licenses of any A or B block auction winners found to have engaged in any illegal anticompetitive conduct with respect to the auctions.

Conclusion


The Minority Petitioners have shown that their Petition to Deny and Request for Stay and Application for Review and Request for Stay should be granted. The Commission should deny the applications of all A and B block bidders determined to have engaged in any illegal anticompetitive activities in the auctions and should stay the licensing of the A and B block PCS frequencies until the Commission is ready to license the C block frequencies.

Respectfully submitted,


**THE NATIONAL ASSOCIATION OF
BLACK OWNED BROADCASTERS, INC.**

By: 
James L. Winston
Rubin, Winston, Diercks,
Harris & Cooke
1333 New Hampshire Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 861-0870

PERCY E. SUTTON, Individually

By: 
Lois E. Wright
Vice President and Corporate
Counsel
Inner City Broadcasting
Corporation
3 Park Avenue
40th Floor
New York, NY 10014
(212) 447-1000

**THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

By: Wade J. Henderson 

Wade J. Henderson

Director

Washington Bureau

National Association for the
Advancement of Colored People

1025 Vermont Avenue, N.W.

Suite 1120

Washington, D.C. 20005

(202) 638-2269

CERTIFICATE OF SERVICE

I, Kathy Nickens, a secretary in the law firm of Rubin, Winston, Diercks, Harris & Cooke do hereby certify that a copy of the attached **CONSOLIDATED REPLY TO OPPOSITIONS TO PETITION TO DENY AND REQUEST FOR STAY AND APPLICATION FOR REVIEW AND REQUEST FOR STAY** was served this 7th day of June, 1995 to the following persons by first class mail, postage prepaid:

Chairman Reed Hundt
Federal Communications Commission
1919 M Street, N.W., Rm. 814
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Rm. 802
Washington, D.C. 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Rm. 826
Washington, D.C. 20554

Commissioner Rachelle Chong
Federal Communications Commission
1919 M Street, N.W., Rm. 844
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Rm. 832
Washington, D.C. 20554

Ruth Milkman, Senior Legal Advisor
Office of Commissioner Reed Hundt
Federal Communications Commission
1919 M Street, N.W., Rm. 814
Washington, D.C. 20554

Karen Brinkmann, Special Assistant
Office of Commissioner Reed Hundt
Federal Communications Commission
1919 M Street, N.W., Rm. 814
Washington, D.C. 20554

Lauren J. Belvin, Senior Legal Advisor
Office of Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Rm. 802
Washington, D.C. 20554

Keith Townsend, Senior Legal Advisor
Office of Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Rm. 826
Washington, D.C. 20554

Richard K. Welch, Legal Advisor
Office of Commissioner Rachelle Chong
Federal Communications Commission
1919 M Street, N.W., Rm. 844
Washington, D.C. 20554

Jane E. Mago, Senior Advisor
Office of Commissioner Rachelle Chong
Federal Communications Commission
1919 M Street, N.W., Rm. 844
Washington, D.C. 20554

Jill M. Luckett, Special Advisor
Office of Commissioner Rachelle Chong
Federal Communications Commission
1919 M Street, N.W., Rm. 844
Washington, D.C. 20554

William E. Kennard, General Counsel
Office of General Counsel
Federal Communications Commission
1919 M Street, N.W., Rm. 614
Washington, D.C. 20554

Christopher J. Wright, Deputy General Counsel
Office of General Counsel
Federal Communications Commission
1919 M Street, N.W., Rm. 614
Washington, D.C. 20554

Jonathan Cohen
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Rm. 822
Washington, D.C. 20554

Mary P. McManus, Legal Advisor
Office of Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Rm. 832
Washington, D.C. 20554

David R. Siddall, Legal Advisor
Office of Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Rm. 832
Washington, D.C. 20554

Kathleen Wallman, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Rm. 500
Washington, D.C. 20554

A. Richard Metzger, Jr., Deputy Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Rm. 500
Washington, D.C. 20554

Mr. Donald Gips, Deputy Chief
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Rm. 822
Washington, D.C. 20554

International Transcription Services
Federal Communications Commission
1919 M Street, N.W., Rm. 246
Washington, D.C. 20554

Robert Pepper, Chief
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Rm. 822
Washington, D.C. 20554

Michael Katz, Chief Economist
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Rm. 822
Washington, D.C. 20554

Kathleen Levitz
Deputy Bureau Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Rm. 500
Washington, D.C. 20554

Ralph A. Haller, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Rm. 5002
Washington, D.C. 20554

Gerald P. Vaughan, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Rm. 5002
Washington, D.C. 20554

Regina Keeney, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W. Rm. 5002
Washington, D.C. 20554

John Greenspan
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Rm. 5202
Washington, D.C. 20554

Jonathan D. Blake, Esq.
Kurt A. Wimmer, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20044
Counsel for American
Personal Communications

William J. Franklin, Esq.
William J. Franklin, Chartered
1919 Pennsylvania Avenue, N.W.,
Ste 300
Washington, D.C. 20006-3404
Counsel for Association of
Independent Designated Entities

Philip L. Verveer
Jennifer A. Donaldson
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W., Ste 600
Washington, D.C. 20036-3384
Counsel for Cellular
Telecommunications Industry
Association

Kenneth R. Cole
Vice President
Century Telephone Enterprises, Inc.
100 Century Park Drive
Monroe, LA 71203

Ellen S. Deutsch
Jacqueline R. Kinney
Citizens Utilities Company
Post Office Box 340
8920 Emerald Park Drive, Ste C
Elk Grove, CA 95759-0340

John A. Malloy, General Counsel
Jill M. Foehrkolb, Director of Legal Affairs
Columbia PCS
201 N. Union Street, Ste 410
Alexandria, VA 22314

Joe D. Edge, Esq.
Mark F. Dever, Esq.
Drinker, Biddle & Reath
901 Fifteenth Street, N.W.
Ste 900
Washington, D.C. 20005
Counsel for Cook Inlet Region, Inc.

Stephen G. Kraskin, Esq.
Sylvia Lesse, Esq.
Charles D. Cosson, Esq.
Kraskin & Associates
2120 L Street, N.W., Ste 520
Washington, D.C. 20037
Counsel for EATELCORP, Inc.
and Hicks and Ragland Engineering
Company

Gail L. Polivy
GTE Corp.
1850 M Street, N.W., Ste 1200
Washington, D.C. 20036

Thomas A. Karl
President
Karl Brothers, Inc.
Post Office Box 53040
Fairbanks, AK 99711

Thomas J. Casey, Esq.
Jay L. Birnbaum, Esq.,
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111
Counsel for Lehman Brothers

Joseph A. Belisle, Esq.
Karsten Amlie, Esq.
Leibowitz and Associates, P.A.
One South East Third Avenue
Suite 1450
Miami, FL 33131
Counsel for MasTec, Inc.

Cathleen A. Massey
Senior Regulatory Counsel
McCaw Cellular Communications, Inc.
1150 Connecticut Avenue, N.W.
Fourth Floor
Washington, D.C. 20554

W. Chris Blane
President
Metrex Communications Group, Inc.
Five Concourse Parkway
Suite 3100
Atlanta, GA 30328

Benjamin H. Dickens, Jr., Esq.
John A. Prendergast, Esq.
Susan J. Bahr, Esq.
Booston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037
Counsel for The Minnesota
Equal Access Network Services,
Inc., South Dakota Network,
Inc. and Mankato Citizens
Telephone Company

Henry Solomon, Esq.
Amelia Lrown, Esq.
Haley, Bader & Potts
Suite 900, 4350 N. Fairfax Dr.
Arlington, VA 22203-1633
Counsel for National
Paging and Personal
Communications Association

Mark J. Tauber, Esq.
Mark J. O'Connor, Esq.
Piper & Marbury
1200 19th Street, N.W.
Seventh Floor
Washington, D.C. 20036
Counsel for Omnipoint
Communications, Inc.

James L. Wurtz
Pacific Bell Mobile Services
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

David L. Nace, Esq.
Marci E. Greenstein, Esq.
Lukas, McGowan, Nace & Gutierrez,
Chartered
1111 Nineteenth Street, N.W. Suite 1200
Washington, D.C. 20036
Counsel for Pacific Telecom
Cellular, Inc.

Patricia Diaz Dennis, Esq.
Sullivan & Cromwell
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Roland A. Hernandez

Robert H. Kyle
President, Kycorn, Inc.
96 Hillbrook Drive
Portola Valley, CA 94028

Doris S. Freedman, Esq.
Barry Pineles, Esq.
Office of Advocacy
United States Small Business
Administration
409 3rd Street, S.W.
Washington, D.C. 20554

Robert E. Levine, Esq.
Latrice Kirkland, Esq.
Mullin, Rhyne, Emmons and
Topel, P.C.
1225 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
Counsel for USIMTA/USIPCA

Paul C. Besozzi, Esq.
Besozzi, Gavin & Craven
1901 L Street, N.W.
Suite 200
Washington, D.C. 20036
Counsel for Vanguard Cellular
Systems, Inc.

Martin T. McCue, Esq.
United States Telephone Association
1401 H Street, N.W., Ste 600
Washington, D.C. 20005

George Y. Wheeler, Esq.
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036
Counsel for Telephone and Data
Systems, Inc.

Mark J. Golden, CAE
Vice President - Industry Affairs
Personal Communications
Industry Association
1019 Nineteenth Street, N.W.
Suite 1100
Washington, D.C. 20036-5105

Daniel C. Riker
President & CEO
DCR Communications, Inc.
2550 M Street, N.W.
Suite 200
Washington, D.C. 20007

Encompass, Inc.
Two Ravinia Drive, Ste 1205
Atlanta, GA 30346

Thomas A. Hart, Jr., Esq.
Michael Henningburg, Jr., Esq.
McManimon & Scotland
1275 Pennsylvania Avenue, N.W.
Suite 500
Washington, D.C. 20004

Curtis White
Allied Communications Group, Inc.
4201 Connecticut Avenue, N.W.
Suite 402
Washington, D.C. 20008-1158

William D. Jimerson
Alliance Telecom, Inc.
34 Woodbine Road
Pittsford, NY 15534

Melodie A. Virtue
American Women in Radio and
Television, Inc.
Haley, Bader & Potts
4350 N. Fairfax Drive
Suite Number 900
Arlington, VA 22203-1633

Timothy E. Welch, Esq.
Hill & Welch
Suite 113
1330 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Counsel for Communications One,
Inc.

Larry Irving
National Telecommunications and
Information Administration
U.S. Department of Commerce
14th & Constitution Avenue, N.W.
Washington, D.C. 20230

National Association of Minority
Telecommunications Executives &
Companies
Suite 500
One Thomas Circle
Washington, D.C. 20005

Daryl L. Avery
Public Service Commission of the
District of Columbia
450 Fifth Street, N.W.
Washington, D.C. 20001

Peter J. Mitchell
Minority Business Enterprise Legal
Defense & Education Fund, Inc.
Suite 280
220 I Street, N.W.
Washington, D.C. 20002

Veronica M. Ahern
Nixon, Hargrave, Devans & Doyle
Suite 700
One Thomas Circle
Washington, D.C. 20005
Counsel for Consolidated
Communications, Inc.

Joseph Profit, Sr.
Chairman
Communications International Wireless
Corporation
NAMTEC
521 Fifth Avenue
Suite 800
New York, NY 10017

American Portable Telecommunications,
Inc.
Attn: Rudolph H. Hornacek
30 North LaSalle Street, Suite 4000
Chicago, Illinois 60602

John A. Prendergrast
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W., Suite 300
Washington, D.C. 20007
Counsel for Ameritech Wireless
Communications, Inc.

Frank Michael Panek, Esq.
Ameritech Services
2000 West Ameritech Ctr. Drive
Location 4H84
Hoffman Estates, IL 60195-500

AT&T Wireless PCS, Inc.
Attn: Cathleen A. Massey
1150 Connecticut Avenue, N.W., 4th Floor
Washington, D.C. 20036

William B. Barfield
Jim O. Llewellyn
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610
Counsel for BellSouth Personal
Communications, Inc.

Charles P. Featherstun
David G. Richards
1133 21st Street, N.W., Suite 900
Washington, D.C. 20036
Counsel for BellSouth Personal
Communications, Inc.

Centennial Cellular Corporation
c/o Richard Rubin
Fleischman & Walsh, L.L.P.
1400 16th Street, N.W., Suite 600
Washington, D.C. 20036

John D. Pellegrin
Robert E. Kelly
John D. Pellegrin, Chtd.
1140 Connecticut Avenue, N.W.
Suite 606
Washington, D.C. 20036
Counsel for Communications
International Corporation

Walter K. Hartenberger
Laura H. Phillips
Richard S. Denning
Dow, Lohnes & Albertson
1255 23rd Street, N.W., Suite 500
Washington, D.C. 20037
Counsel for Cox Communications,
Inc.

Kathy L. Shobert
Director of Federal Affairs
GCI Communications Corporation
901 15th Street, N.W., Suite 900
Washington, D.C. 20005

R. Michael Senkowski
Katherine M. Holden
Eric W. DeSilva
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for GTE Macro
Communications Corporation

James P. Tuthill
Betsy Stover Granger
4420 Rosewood Drive, Bldg. 2
4th Floor
Pleasanton, CA 94588
Counsel for Pacific Telesis Mobile
Services

James L. Wurtz
Margaret E. Garber
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Pacific Telesis Mobile
Services

Michael K. Kellogg
Jeffrey A. Lamken
Kellogg, Huber, Hansen, Todd & Evans
1300 I Street, N.W.
Suite 500 East
Washington, D.C. 20005
Counsel for Pacific Telesis Mobile
Services

William L. Roughton, Jr.
PCS PRIMECO, L.P.
c/o AirTouch Communications, Inc.
1818 N Street, N.W., Suite 800
Washington, D.C. 20036

Jay C. Keithley
1850 M Street, N.W.
Suite 1100
Washington, D.C. 20036
Counsel for PhillieCo, L.P. and
WirelessCo, L.P.

W. Richard Morris
2330 Shawnee Mission Parkway
Westwood, KS 66205
Counsel for PhillieCo. L.P. and
WirelessCo. L.P.

Cheryl A. Tritt
Joan E. Neal
Morrison & Foerster
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006
Counsel for PhillieCo. L.P. and
WirelessCo. L.P.

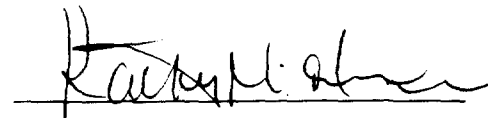
Poka Lambro Telephone Cooperative, Inc.
11.5 Miles North of Tahoka, TX on U.S. 87
P.O. Box 1340
Tahoka, TX 79373-7234

Joel S. Winnik
Marvin J. Diamond
Julie T. Barton
Hogan & Hartson, L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Counsel for Powertel PCS Partners,
L.P.

Michael F. Morrone
Michael R. Bennet
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counsel for South Seas Satellite
Communications Corporation

Wayne Watts, Esq.
Carol Tacker, Esq.
Southwestern Bell Mobile Systems, Inc.
17330 Preston Road, Suite 100A
Dallas, TX 75252

Louis Gurman
Doane F. Kiechel
Gurman, Blask & Freedman, Chartered
1400 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20036
Counsel for Western PCS
Corporation

A handwritten signature in dark ink, appearing to read "Louis Gurman", is written over a horizontal line.